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E.O. 11652: GDS

TAGS: SHUM, PK

SUBJECT: CEP FOR PAKISTAN

REQUEST EMBASSY PROVIDE ANY COMMENTS ON FOLLOWING HUMAN RIGHTS EVALUATING PLAN BY DEC.10. AMB. HUMMEL READ IT WHILE ON CONSULTATION. SECTION A (THAT PORTION DOWN TO ANALYSIS AND RECOMMENDATIONS) WILL BE USED AS UNCLASSIFIED REPORT TO CONGRESS.

A. CONDITIONS OF HUMAN RIGHTS IN PAKISTAN

INTRODUCTION: SINCE ITS CREATION IN 1947 PAKISTAN HAS BEEN STRUGGLING WITH THE DIFFICULTY OF MOLDING DIVERSE TRIBAL AND LINGUISTIC GROUPS INTO A NATION. ZULFIKAR ALI BHUTTO BECAME PRIME MINISTER IN 1971 AFTER THE BANGLADESH REVOLT AND AS A RESULT OF FREE ELECTIONS. SIX YEARS LATER, HOWEVER, GENERAL ZIA-UL-HAQ OUSTED BHUTTO, SAYING IT WAS NECESSARY BECAUSE OF THE RIGGING OF ELECTIONS, THE DETENTION OF POLITICAL PRISONERS, WIDESPREAD CORRUPTION, AND
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THE THREAT OF CIVIL WAR. SINCE GENERAL ZIA'S REGIME CAME TO POWER, THE HUMAN RIGHTS RECORD HAS BEEN GOOD, NEARLY ALL POLITICAL PRISONERS HAVE BEEN RELEASED, THE JUDICIARY HAS BEEN STRENGTHENED, AND AMNESTY INTERNATIONAL INVITED TO ATTEND COURT SESSIONS, BUT THE ELECTIONS INITIALLY

SCHEDULED FOR OCTOBER, 1977 HAVE BEEN POSTPONED UNTIL THE BHUTTO TRIALS ARE COMPLETED.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

FREEDOM FROM:

A. TORTURE - THE 1973 CONSTITUTION BANS TORTURE, AND THERE HAVE BEEN NO INDICATIONS OF ANY SUCH MISTREATMENT SINCE THE COUP OCCURRED ON JULY 5, 1977. IN CRIMINAL CASES POLICE BRUTALITY PROBABLY OCCURS, BUT THIS REFLECTS HISTORICAL SOCIAL/ECONOMIC PATTERNS AND IS NOT CONDONED BY THE GOVERNMENT.

B. CRUEL, INHUMAN, OR DEGRADING PUNISHMENT - THESE ABUSES ARE PROHIBITED BY LAW AND ARE BELIEVED TO BE RARELY PRACTICED. BY WESTERN STANDARDS THE MOST UNUSUAL PUNISHMENT IS PUBLIC FLOGGING, BUT THIS IS SANCTIONED BY THE KORAN AND USED WIDELY IN MOSLEM COUNTRIES. THERE ARE NO INDICATIONS THAT PAKISTANI OFFICIALS ARE USING IT INDISCRIMINATELY OR INFLICTING PERMANENT BODILY DAMAGE.

C. ARBITRARY ARREST OR IMPRISONMENT - MARTIAL LAW REGULATIONS PROHIBIT POLITICAL DEMONSTRATIONS, AND ON THE FEW OCCASIONS WHEN GROUPS HAVE MASSED IN THE STREETS, SOME PEOPLE WERE ARRESTED OR DETAINED. MOST WERE RELEASED SHORTLY THEREAFTER. THOSE WHO APPEARED TO BE THE LEADERS OR WERE CAUGHT DESTROYING PROPERTY RECEIVED PROMPT TRIALS. CONFIDENTIAL

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THE RIGHT TO LEGAL COUNSEL IS GUARANTEED BY THE CONSTITUTION.

D. DENIAL OF A FAIR PUBLIC TRIAL - THE NEW MILITARY REGIME IS CLEARLY ENCOURAGING FAIR PUBLIC TRIALS. ALL BUT ONE OF THE SPECIAL TRIBUNALS ESTABLISHED BY THE BHUTTO GOVERNMENT HAVE BEEN ABOLISHED, AND IT IS WIDELY BELIEVED THAT THE ONE REMAINING CASE WILL SOON BE TRANSFERRED TO THE CIVIL COURTS. AMNESTY INTERNATIONAL HAS BEEN INVITED TO VISIT ANY OF THE COURTS OR TRIBUNALS AND WAS TOLD, ACCORDING TO PRESS REPORTS, THAT QUOTE IF THEY FIND ANYTHING BEING DONE NOT FULFILLING THE REQUIREMENTS OF JUSTICE, THEY CAN BE RECTIFIED UNQUOTE.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES:

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - MARTIAL LAW REGULATIONS PROHIBIT POLITICAL MEETINGS IN QUOTE OPEN PUBLIC PLACES, UNQUOTE BUT POLITICAL LEADERS HAVE BEEN ENCOURAGED TO HAVE SMALL, INDOOR MEETINGS; AND OTHER MEETINGS OCCUR IN MOSQUES. THE MILITARY RULERS STATED INITIALLY THAT NEW ELECTIONS WOULD BE HELD ON OCTOBER 18,

1977 AND THAT CAMPAIGN ACTIVITIES COULD BE RESUMED ABOUT A MONTH BEFORE THAT DATE. HOWEVER, THE ELECTIONS WERE POSTPONED IN ORDER TO COMPLETE COURT ACTION ON THE CHARGES AGAINST FORMER PRIME MINISTER BHUTTO AND THE

RESTRICTIONS ON POLITICAL ACTIVITY WERE REIMPOSED.
CAMPAIGN ACTIVITIES ARE EXPECTED TO RESUME ABOUT TWO
MONTHS PRIOR TO THE POLLING DATE.

FREEDOM OF RELIGION IS GUARANTEED BY THE CONSTITUTION AND
RESPECTED BY THE STATE. THE COUNTRY WAS CREATED TO PRO-
VIDE A HOME FOR THE MOSLEMS OF THE INDIAN SUBCONTINENT,
AND ISLAMIC IDEALS CONTINUE TO DOMINATE THE POLITICAL
PHILOSOPHY. ONLY MOSLEMS MAY HOLD THE OFFICES OF
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PRESIDENT AND PRIME MINISTER, BUT THERE ARE NO RESTRIC-
TIONS ON OTHER POSITIONS.

AS IN OTHER MOSLEM COUNTRIES, MANY PAKISTANI WOMEN ARE IN
PURDAH. THESE RESTRICTIONS ARE IMPOSED BY THE FAMILY
AND ARE NOT SANCTIONED OFFICIALLY BY THE GOVERNMENT. IN
FACT, THE GOVERNMENT HAS HAD A VERY POSITIVE ATTITUDE
TOWARDS THE RIGHTS OF WOMEN, EDUCATIONAL FACILITIES HAVE
BEEN EXPANDED FOR THEM, AND MANY WOMEN HOLD POSITIONS OF
RESPONSIBILITY. IT IS ESPECIALLY NOTEWORTHY THAT MRS.
Z.A. BHUTTO AND MRS. WALI KHAN ARE NOW IMPORTANT POLITICAL
LEADERS AND ATTRACT LARGE CROWDS IN EVERY PUBLIC APPEAR-
ANCE. THE ALL PAKISTAN WOMENS FEDERATION IS ONE OF THE
MOST POWERFUL GROUPS IN THE COUNTRY AND HAS BEEN ABLE TO
INFLUENCE THE GOVERNMENT'S ATTITUDE ON MANY ISSUES.

THE LABOR MOVEMENT IN PAKISTAN IS SMALL AS WOULD BE
EXPECTED IN A COUNTRY WITH ONLY A LIMITED INDUSTRIAL
SECTOR. UNIONS ARE FREE TO ORGANIZE AND A NUMBER OF suc-
CESSFUL STRIKES HAVE ILLUSTRATED THEIR ABILITY TO OBTAIN
BETTER PAY AND WORKING CONDITIONS FROM EMPLOYERS, IN THE
LARGE CITIES THEY ARE AN IMPORTANT POLITICAL FORCE, AND
THEIR SUPPORT IS SOUGHT BY ALL POLITICAL PARTIES.

B. FREEDOM OF MOVEMENT WITHIN PAKISTAN, FOREIGN TRAVEL
AND EMIGRATION POLICIES - FREEDOM OF MOVEMENT HAS RARELY
BEEN CONSTRAINED, EXCEPT IN OCCASIONAL POLITICAL CASES.
RESTRICTIONS ON THE RIGHT TO TRAVEL OR RESIDE ABROAD ARE
RARE. EMIGRATION IS REGULATED TO PROTECT AND MAXIMIZE
REMITTANCES.

C. DEMOCRATIC POLITICAL PROCESSES - THE MILITARY REGIME
CAME TO POWER AS A RESULT OF WIDESPREAD CIVIL DISORDERS
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IN THE AFTERMATH OF THE MARCH ELECTIONS. A NEW ELECTION
COMMISSION WAS APPOINTED TO INSURE THAT FAIR ELECTIONS
WILL BE HELD IN THE FUTURE. ALTHOUGH THE ELECTIONS

SCHEDULED FOR OCTOBER WERE POSTPONED, THE CHIEF MARTIAL LAW ADMINISTRATOR HAS SAID THEY WILL TAKE PLACE WITHIN "MONTHS NOT YEARS." THE CONSTITUTION PROVIDES FOR UNIVERSAL ADULT SUFFRAGE.

3. GOVERNMENT POLICIES AND BASIC NEEDS

A. FORMER PRIME MINISTER BHUTTO WAS VERY EFFECTIVE IN ROUSING PUBLIC SUPPORT BY PROMISING "BREAD, CLOTHING AND SHELTER" TO THE MASSES, AND EVERY POLITICIAN IS NOW AWARE OF THE IMPORTANCE OF PROVIDING WIDER OPPORTUNITIES FOR THE POOR. REFORM IN EDUCATION AND ADMINISTRATION AND CONSCIOUS EFFORTS TO LESSEN ECONOMIC DISPARITIES HAVE INCREASED THE OPPORTUNITIES FOR THE POOR. WITH U.S. ASSISTANCE, HOUSING, EDUCATIONAL FACILITIES, AND HEALTH CARE HAVE BEEN IMPROVED IN RURAL AREAS. THE RATION SHOP SYSTEM PROVIDES BASIC FOOD NEEDS AT CONTROLLED PRICES FOR THE URBAN POOR AND LOWER MIDDLE CLASSES. LAND REFORM HAS NOT RESULTED IN MUCH CHANGE IN OWNERSHIP PATTERNS, BUT TENANCY REFORMS HAVE MARKEDLY INCREASED THE SECURITY AND WELL-BEING OF MILLIONS OF TENANT FARMERS.

B. CORRUPTION WAS A POPULAR ELECTION ISSUE IN EARLY 1977 AND IS ONE OF THE MOST IMPORTANT CHARGES BEING BROUGHT AGAINST OFFICIALS OF THE BHUTTO GOVERNMENT. THE MILITARY RULERS HAVE TRIED TO REDUCE FUTURE OPPORTUNITIES FOR IT BY REQUIRING THAT ALL CANDIDATES FOR POLITICAL OFFICE SUBMIT STATEMENTS SHOWING HOW THEIR ASSETS WERE OBTAINED, AND THE SALARIES OF GOVERNMENT EMPLOYEES HAVE BEEN RAISED TO HELP THEM TO LIVE WITHOUT KICKBACKS FOR FAVORS GRANTED. AT PRESENT CORRUPTION IS NOT BELIEVED TO DIVERT SIGNIFICANT RESOURCES AWAY FROM THE GENERAL PUBLIC.
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4. RESPONSIBILITY OF GOVERNMENT

GENERAL ZIA HAS STATED THAT THE JULY COUP WAS CAUSED BY THE PREVIOUS GOVERNMENT'S RIGGING OF ELECTIONS, THE DETENTION OF POLITICAL PRISONERS, AND WIDESPREAD CORRUPTION. THE NEW REGIME CAME TO POWER PROMISING TO REVERSE THESE POLICIES AND INSURE THAT THESE RIGHTS WOULD NOT BE TRANSGRESSED AGAIN. MANY PROMINENT OFFICIALS HAVE PRAISED PRESIDENT CARTER'S HUMAN RIGHTS POLICY AND SAID THAT IT ENCOURAGED THEM TO STRUGGLE AGAINST THE IRREGULARITIES OF THE OLD GOVERNMENT. THE NEW REGIME HAS ALSO SHOWN ITS RESPECT FOR THE RULE OF LAW BY ALLOWING FORMER PRIME MINISTER BHUTTO TO CHALLENGE THE LEGALITY OF THE MARTIAL LAW ADMINISTRATION, WHICH ENGINEERED THE COUP AGAINST HIM. BY A UNANIMOUS DECISION THE SUPREME COURT UPHELD THE MILITARY INTERVENTION, ADDING, HOWEVER, THAT ITS SUPPORT

FOR MARTIAL LAW RESTED ON ITS LIMITED NATURE AND URGING

THE CHIEF MARTIAL LAW ADMINISTRATOR TO FULFILL HIS PLEDGE TO DEVOTE "ALL HIS ENERGIES" TO ESTABLISHING CONDITIONS LEADING TO FAIR AND FREE ELECTIONS AS SOON AS POSSIBLE.

ALTHOUGH THE REGIME OF GENERAL ZIA-UL-HAQ HAS AN EXCELLENT RECORD FOR RE-ESTABLISHING BASIC HUMAN RIGHTS IN PAKISTAN, IT IS IMPOSSIBLE AT THIS TIME TO PREDICT THE PERMANENCY OF THESE POLICIES. THE COUNTRY HAS SEVERE POLITICAL AND ECONOMIC PROBLEMS, AND IN THE 30 YEARS SINCE ITS CREATION, REPRESSION HAS BEEN USED PERIODICALLY TO THWART OPPOSITION GROUPS AND TO PREVENT THE NATION'S DIVISION INTO TRIBAL UNITS. IN THIS COUNTRY OF STRONG RELIGIOUS IDEALS, THERE IS, HOWEVER, A DEEP RESPECT FOR HUMAN RIGHTS AND A DESIRE TO OBTAIN MAXIMUM BENEFITS FOR ITS CITIZENS. AS A RESULT
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OF ITS EXPERIENCE AS A BRITISH COLONY, PAKISTAN ALSO GAINED A RESPECT FOR ANGLO-SAXON LAW, AND THERE IS OVERWHELMING AGREEMENT THAT A FREE DEMOCRATIC GOVERNMENT IS THE GOAL TO BE SOUGHT.

B. ANALYSIS AND RECOMMENDATIONS

1. THE PRESENT HUMAN RIGHTS SITUATION IN PAKISTAN IS BASICALLY QUITE GOOD EXCEPT IN TWO AREAS, (A) REPRESENTATIVE GOVERNMENT AND (B) THE POVERTY OF A LARGE PORTION OF THE PEOPLE. IN SEEKING TO IMPROVE THESE CONDITIONS IN THE NEXT THREE MONTHS. U.S. OFFICIALS WILL USE QUIET DIPLOMACY TO URGE GENERAL ZIA TO RETURN THE GOVERNMENT TO CIVILIAN CONTROL AND REPRESENTATIVE INSTITUTIONS. AFTER FREE ELECTIONS ARE HELD. THIS POLICY WILL ALSO BE PURSUED IN CONTACTS WITH OTHER OFFICIAL AND COMMUNITY LEADERS. DURING A VISIT TO WASHINGTON BY MR. A.K. BROHI, AN EMINENT CONSTITUTIONAL LAWYER, CLOSE ADVISOR OF GENERAL ZIA, AND CURRENT HEAD OF PAKISTAN'S UN DELEGATION, WE IMPRESSED UPON HIM THE IMPORTANCE WE ATTACH TO HUMAN RIGHTS AND THE ELECTION OF A CIVILIAN GOVERNMENT. WITHIN THE COMING MONTH THE AID CONSORTIUM FOR PAKISTAN WILL BE MEETING IN PARIS, AND AT THAT TIME WE WILL URGE THE GOP TO CONTINUE WITH EDUCATIONAL, MEDICAL AND POPULATION PROGRAMS WHICH CAN HELP RAISE THE LIVING STANDARDS OF PAKISTAN'S MAJORITY OF POOR PERSONS EVEN THOUGH THE GOVERNMENT MUST TAKE FURTHER STEPS TO REDUCE EXPENDITURES AND CONTROL INFLATION. OUR AMBASSADOR RETURNED TO WASHINGTON FOR CONSULTATION, IN EARLY DECEMBER, AND THE HUMAN RIGHTS SITUATION WAS ONE OF THE MORE IMPORTANT SUBJECTS DISCUSSED WITH HIM. IN ADDITION, A PL-480 AGREEMENT IS TO BE NEGOTIATED SHORTLY WHICH WILL INCLUDE SPECIFIC EMPHASIS ON USING THE PROCEEDS FROM COMMODITY SALES TO IMPROVE DIRECTLY THE LIVES OF THE POOREST PEOPLE.

IN THE NEXT SIX MONTHS WE WILL CONTINUE OUR EFFORTS TO EN-

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COURAGE REPRESENTATIVE INSTITUTIONS. AT THE SAME TIME WE WILL BE REVIEWING AND RE-ASSESSING OUR AID PROGRAMS TO INSURE THAT APPROPRIATE ATTENTION IS DEVOTED TO PROGRAMS FOR HELPING THE POOR. AT THE JUNE CONSORTIUM MEETING WE WILL SEEK TO ENCOURAGE AND SUPPORT ECONOMIC PROGRAMS DIRECTED AT THE MOST DISADVANTAGED SEGMENTS OF SOCIETY. WE WILL ALSO BE REVIEWING CU AND USIA PROGRAMS TO FOCUS ATTENTION ON HUMAN RIGHTS.

WITHIN THE NEXT TWELVE MONTHS THERE MAY BE SIGNIFICANT CHANGES IN THE POLITICAL SITUATION IN PAKISTAN AND IN OUR BILATERAL RELATIONS WHICH WILL REQUIRE A MAJOR REVIEW OF ALL OF OUR POLICIES. TO THE EXTENT WE RETAIN ANY INFLUENCE WE WILL CONTINUE TO PLACE HEAVY EMPHASIS ON THE NEED FOR REPRESENTATIVE INSTITUTIONS TO PROTECT HUMAN RIGHTS AND FOR IMPROVEMENTS IN THE SOCIAL AND ECONOMIC CONDITIONS OF THE MOST DISADVANTAGED. AT PRESENT WE ARE DEALING WITH A SELF-STYLED INTERIM REGIME WHICH IS RELUCTANT TO MAKE LONG-TERM POLICY DECISIONS. WE WILL NEED CONSTANTLY TO REVIEW THE EVOLVING SITUATION AND LOOK FOR EVERY OPPORTUNITY TO REINFORCE RECENT GAINS IN HUMAN RIGHTS AND SYSTEMATICALLY ENHANCE THEM.

2. AFTER MANY YEARS OF WAR AND AUTHORITARIAN REGIMES THE PAKISTAN PEOPLE HAVE A GENUINE DESIRE FOR HUMAN RIGHTS. THEY HAVE ALSO BEEN IMPRESSED BY PRESIDENT CARTER'S PROGRAM AND THE WAY IN WHICH IT HELPED FOCUS ATTENTION ON PAKISTANI PROBLEMS UNDER BHUTTO. VIRTUALLY ALL SEGMENTS OF THE SOCIETY WOULD, THEREFORE, BE PLEASED TO URGE THAT MORE INTERNATIONAL ATTENTION BE FOCUSED ON RESPECT FOR THE INDIVIDUAL.

3. THE PRESENT POLITICAL SITUATION IN PAKISTAN COULD
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CHANGE DRAMATICALLY, IF, FOR EXAMPLE, THE RADICAL, PRO-BHUTTO FORCES RESORTED TO VIOLENCE. GENERAL ZIA HAS SAID THAT FEAR OF CIVIL WAR LED HIM TO OUST THE PREVIOUS GOVERNMENT, AND THAT BASIC POLITICAL INSTABILITY REMAINS. IF, HOWEVER, THE SITUATION IS CALM UNTIL AN ELECTION IS HELD, WE BELIEVE THAT MILITARY LEADERS AND THE GENERAL PUBLIC WILL URGE CONTINUED POSITIVE CHANGES IN HUMAN RIGHTS CONDITIONS.

4. (A) THE PRINCIPAL PROBLEM IN U.S.-PAKISTAN BILATERAL RELATIONS IS OUR OPPOSITION TO THEIR ACQUISITION OF A NUCLEAR REPROCESSING PLANT. IF PAKISTAN'S GOVERNMENT PERSISTS IN ITS PLANS, THE GLENN AMENDMENT TO THE MUTUAL

ASSISTANCE ACT MANDATES THAT WE CUT OFF ALL BUT HUMANITAR-

IAN AID. SHOULD THAT OCCUR, OUR RELATIONS WOULD THEN
DETERIORATE FURTHER, ANTI-AMERICANISM WOULD INCREASE AND
WE WOULD LOSE MOST OF OUR LEVERAGE TO INFLUENCE THEIR
HUMAN RIGHTS PRACTICES.

(B) SINCE THE OVERTHROW OF THE BHUTTO REGIME, PAKISTAN'S
HUMAN RIGHTS RECORD HAS BEEN GOOD, AND WE CAN EXPECT THAT
THEY WILL SHOW INCREASING INTEREST IN THIS SUBJECT AT THE
UN AND OTHER INTERNATIONAL ORGANIZATIONS. HOWEVER,
PAKISTANI REPRESENTATIVES WOULD PROBABLY BE HESITANT TO
CRITICIZE PRACTICES IN THE COMMUNIST WORLD BECAUSE OF CON-
CERN OVER ALIENATING CHINA. AT THE SAME TIME THEY WOULD
BE PLEASED TO COOPERATE IN SEEKING SOLUTIONS TO PROBLEMS
ELSEWHERE, PARTICULARLY SOUTHERN AFRICA.

5. AFTER BREAKING RELATIONS WITH AMNESTY INTERNATIONAL
IN 1976, THE BHUTTO GOVERNMENT RESISTED ALL EFFORTS BY
OUTSIDE GROUPS ATTEMPTING TO INVESTIGATE ALLEGED HUMAN
RIGHTS VIOLATIONS. IN ADDITION, EFFORTS WERE MADE TO
COVER UP VIOLATIONS BY MEANS OF SUCH SUBTERFUGES AS ES-
TABLISHING A DETENTION CAMP IN A TRIBAL AREA WHICH IS NOT
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LEGALLY CONSIDERED AN INTEGRAL PART OF THE COUNTRY. THIS
ALLOWED THE ATTORNEY-GENERAL TO STATE THAT AS FAR AS HE
KNEW THERE WERE NO POLITICAL PRISONERS HELD "IN PAKISTAN."
AS NOTED ABOVE, AMNESTY INTERNATIONAL HAS BEEN INVITED TO
EXAMINE THE WAY THE COURT SYSTEM NOW OPERATES. ATTEMPTING
TO WIN BOTH DOMESTIC AND INTERNATIONAL FAVOR, THE
MILITARY REGIME IS ALSO SEEKING WIDESPREAD PUBLICITY FOR
THE SINS OF ITS PREDECESSOR AND WOULD WELCOME SUGGESTIONS
FROM REPUTABLE ORGANIZATIONS FOR CONSTRUCTIVE CHANGE.
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